

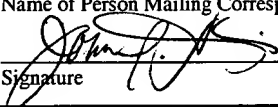


Attorney's Docket No.: 5543P003

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/845,088
Applicant: J.J. Garcia Luna-Aceves
Filed: April 26, 2001
Art unit: 2154
Examiner: Siddiqi, Mohammad A.
Docket No.: 5543P003
Customer No.: 08791
Confirmation No.: 1603

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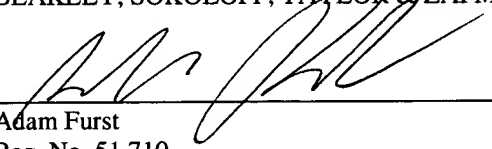
TRANSMITTAL OF CORRECTED APPEAL IN RESPONSE TO
NOTICE OF NONCOMPLIANT APPEAL BRIEF

Sir:

The Corrected Appeal Brief includes more detailed cites for support of the brief summary from the specification.

Respectfully submitted,
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APPEAL BRIEF (CORRECTED)
IN SUPPORT OF APPELLANTS' APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

This Appeal Brief (Corrected) is submitted in response to the Notification of Non-Compliant Appeal Brief mailed October 24, 2005. This Brief is submitted in support of this appeal from a final decision of the Examiner, mailed April 27, 2005 and an Advisory Action mailed July 8, 2005. Consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application is respectfully requested.

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I. REAL PARTY IN INTEREST

The real party in interest is Adara Networks, Inc. a corporation of Florida having a place of business at 10 Victor Square, Scotts Valley, CA 95066.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences. The present application is related to the following co-pending applications: 09/810,148; 09/843,759; 09/844,789; 09/844,856; and 09/844,857.

III. STATUS OF CLAIMS

Claims 1 – 11 are currently pending, have been finally rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

There are no currently pending amendments.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1, the only independent claim on appeal, reads as follows:¹

A method, comprising:

directing a client's (105) request (402) for an information object to an information object repository (218) without regard as to whether the information object is actually stored at the information object repository; and

determining (404, 408), according to information included in a uniform resource locator (URL) whether the client is authorized to receive the information object.

Claim 1 thus concerns a method of determining whether a client is authorized to receive content that the client is requesting from an information object repository (e.g., a cache) according to information included in a URL.

Further discussion of an embodiment of this method is at paragraphs 79 et seq. of the present application. To summarize, the present invention includes an access control mechanism that allows owners of information objects (i.e., content) stored in caches or other information object repositories to control access thereto based on an access control label which may be included in the URLs for the content. See paragraph 79. Such control is provided, for example, by (1) assigning a set of access control labels to each user (e.g., network providers, content owners, etc.) for use in specifying the access control list to be used for a given URL, and (2) allowing the user to maintain the access control lists corresponding to the user's labels. See paragraph 79.

¹ Reference numbers as used in the drawings have been inserted in accordance with 37 C.F.R. § 41.37(c)(1)(v). The use of such reference numbers should in no way be read as limiting the claim to the illustrated embodiment.

Given a system defined by such access control labels and the corresponding access control lists, security may be enforced by the cache servers (or other information object repositories), for example by allowing each cache server to store the current access control lists for all active labels. See paragraph 80. In such cases, and as shown in Figure 4 of the present application, in response to receiving an HTTP request with a URL (e.g., from a client or other network component) for an information object (i.e., content), the cache determines (404) whether the correct access control label included in that URL is valid (i.e., according to the stored access control list). If not, the cache delivers an “unauthorized access” message to the requesting client. Otherwise, the cache further decides (408) whether additional client identifying information included in the URL is valid. If not, the cache delivers the unauthorized access message; otherwise the cache delivers the requested information object. See paragraphs 82 and 83.

V. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 – 11 were rejected under 35 U.S.C. 103 as being unpatentable over McCanne et al., US 6,415,323, in view of Shanumgam et al., US 6,708,187.

VIII. ARGUMENT

- A. Claims 1 – 11 are patentable over McCanne and Shanumgam, which, when considered in combination, fail to teach the use of “information included in a uniform resource locator (URL)” to determine whether a client is authorized to receive requested content.**
-

Combining the teachings of McCanne and Shanumgam, does not yield the invention recited in claim 1 of the present application. McCanne describes a redirection system in which packets are routed from a client to a service node based on topological locality. McCanne at col. 5, ll. 21 – 25. When the service node to which a client request is made does not have a copy of the requested content, additional information in the URL is used to identify the particular location for the content in question. McCanne at col. 9, ll. 52 – 54. Shanumgam, on the other hand, describes a LDAP database synchronization scheme in which user domain information is used to authenticate a user for access to a network resource. Shanumgam at col. 5, ll. 46 – 58. If such an authentication policy were adopted in the redirection scheme described by McCanne, one of ordinary skill in the art would be led to believe that user domain information (and NOT any URL information) should be used to authenticate clients as part of a content request. URL information on the other hand would be used to determine which content server to retrieve the requested content from, as taught by McCanne.

In contrast, claim 1 of the present application specifically recites the use of “information included in a uniform resource locator (URL)” to determine whether the client is authorized to receive the requested content. This is markedly different from the scheme that results from a combination of McCanne and Shanumgam and is yet another reason why the rejection of claim 1 should be reversed.

Claims 2 – 11 depend from claim 1 and are patentable over McCanne and Shanumgam for at least the same reasons as set forth above.

B. The combination of McCanne and Shanumgam is based on impermissible hindsight and no adequate motivation or other reasons for combining these teachings has been presented.

In rejecting claims under 35 USC §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See, *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993). A prima facie case of obviousness is established by presenting evidence that the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed combination or other modification. See *In re Lintner*, 458 F.2d 1013, 1016 (CCPA 1972). Furthermore, the conclusion that the claimed subject matter is prima facie obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Rejections based on Section 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967) cert. denied, 389 U.S. 1057 (1968). Indeed, the U.S. Court of Appeals for the Federal Circuit has repeatedly cautioned against employing hindsight by using the applicant's disclosure as a blueprint to reconstruct the claimed invention from the isolated teachings of the prior art. See, e.g., *Grain Processing Corp. v. American Maize-Prods. Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988).

When determining obviousness, "the [E]xaminer can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002) citing *In re Fritch*, 972 F.2d 1260, 1265 (Fed. Cir. 1992). **"Broad conclusory statements regarding the teachings of multiple references, standing alone, are not evidence."** *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) (emphasis added).


Turning to claim 1 of the present application, the Final Office Action states that many of the features of claim are to be found in the McCanne reference, but that the feature of "client authorization" is not so taught. To make up for this deficiency, the Office Action cites Shanumgam and then asserts "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCanne with Shanumgam because it would provide the trusted computing based concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing. This broad statement of what would be "obvious" to one of ordinary skill

in the art is precisely the kind of rationale for rejecting claims of a pending application that the Federal Circuit has repeatedly held is impermissible. Simply stating, as in the present Office Action, that since reference 1 teaches "A" and reference 2 teaches "B" it would therefore be obvious to combine them to arrive at the claimed invention does not meet the USPTO's burden of establishing a prima facie case of obviousness. If anything it tends to suggest that impermissible hindsight reconstruction has been used to decompose the invention into various constituent parts, locate those parts in various teachings, and then use the specification as a blueprint for assembling the invention out of those teachings. This especially true where, as here, the combination suggested in the Office Action does not even yield the claimed invention. Consequently, the present rejections should be reversed.

IX. CONCLUSION

For at least the foregoing reasons, Appellant respectfully requests reversal of the Examiner's rejections as set forth in the Final Office Action and requests that the Board direct allowance of claims 1 – 11. If there are any additional fees associated with this communication, please charge our deposit account 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



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APPENDIX A: Claims on Appeal

(37 C.F.R. § 41.37(c)(1)(viii))

The claims on appeal read as follows:

1. (Original) A method, comprising:

directing a client's request for an information object to an information object repository without regard as to whether the information object is actually stored at the information object repository; and

determining, according to information included in a uniform resource locator (URL) whether the client is authorized to receive the information object.
2. (Original) The method of claim 1 wherein the information object repository is selected according to specified performance metrics.
3. (Original) The method of claim 2 wherein the specified performance metrics comprise one or more of: average delay from the information object repository to the client, average processing delays at the information object repository, reliability of a path from the information object repository to the client, available bandwidth in said path, and loads on the information object repository.
4. (Original) The method of claims 2 further comprising instructing the information object repository to obtain a copy of the information object.
5. (Original) The method of claim 2 wherein the information included in the URL comprises information identifying the requesting client.
6. (Original) The method of claim 5 wherein the information included in the URL further comprises information identifying an owner of the information object.
7. (Original) The method of claim 2 wherein the information included in the URL comprises one or more digital signatures.

8. (Original) The method of claim 7 wherein the one or more digital signatures identify one or more of: the requesting client, and an owner of the information object.

9. (Original) The method of claim 2 wherein the information included in the URL is compared with an access list at the information object repository to determine whether the client is authorized to receive the information object.

10. (Original) The method of claim 2 further comprising denying access to the information object if the client is not authorized to receive the information object, otherwise, returning the information object to the client.

11. (Original) The method of claim 2 wherein the information included in the URL comprises multiple digital signatures and each digital signature is compared with an access list at the information object repository to determine whether the client is authorized to receive the information object.

Claims 12 – 21 (Cancelled)